

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

**ROBERT C. NISENSEN, L.L.C.**

10 Auer Court  
East Brunswick, NJ 08816  
(732) 238-8777  
Attorneys for Debtor  
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RCN 6680

Caption in Compliance with D.N.J. LBR 9004-2 (c)

In Re:

DARYL L. SMITH

DEBTORS

Case No.: 18-10180

Judge: VFP

**CHAPTER 13 DEBTOR'S CERTIFICATION IN OPPOSITION TO**

☐ **CREDITOR'S MOTION** or **CERTIFICATION OF DEFAULT**

**XX TRUSTEE'S MOTION** or **CERTIFICATION OF DEFAULT**

The debtor in the above-captioned chapter 13 proceeding hereby objects to the following (choose one):

1. ☐ Motion for Relief from the Automatic Stay filed

By \_\_\_\_\_, secured creditor.

A hearing has been scheduled for \_\_\_\_\_, 2018, at 9:00 a.m.

OR

☐ Motion to Dismiss filed by the Standing Chapter 13 Trustee.

A hearing has been scheduled for \_\_\_\_\_, 2018 at 9:00 a.m.

☐ Certification of Default filed by \_\_\_\_\_, creditor. I am requesting a hearing be scheduled on this matter.

OR

**XX** Certification of Default filed by Standing Chapter 13 Trustee I am requesting a hearing be scheduled on this matter.

2. I am objecting to the above for the following reasons (choose one):

☐ Payments have been made in the amount of \$ \_\_\_\_\_ but have not been accounted for. Documentation in support is attached hereto.

☐ Payments have not been made for the following reasons and debtor proposes repayment as follows (explain **your answer**): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**XX Other (explain your answer): Debtor is in a three month trial modification with the bank and attorney will amend plan once it has been finalized. Debtor will bring the trustee arrears current prior to the hearing date as well.**

\_\_\_\_\_  
\_\_\_\_\_

3. This certification is being made in an effort to resolve the issues raised by the creditor in its motion.

4. I certify under penalty of perjury that the foregoing is true and correct.

Date: August 23, 2018

/s/ Daryl L. Smith  
DARYL L. SMITH

**NOTE:**

1. This form must be filed with the court and served upon the Standing Chapter 13 Trustee

and creditor at least seven (7) days before the return date pursuant to D.N.J. LBR 9013-1(d), if filed in opposition to a *Motion for Relief from the Automatic Stay or Trustee's Motion to Dismiss*.

2. This form must be filed with the court and served upon the Standing Chapter 13 Trustee and creditor within ten (10) days of the filing of a *Creditor's Certification of Default* (under an *Order Resolving Motion to Vacate Stay and/or Dismiss with Conditions*) or a *Trustee's Certification of Default*.

**If this form is not filed the Motion or Certification of Default will be deemed uncontested and no hearing will be scheduled.**